

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JULY 17, 2007- -7:30 P.M.

Mayor Johnson convened the Regular City Council Meeting at 8:23 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(07-340) Presentation by the Park Street Business Association on the 23rd Annual Art and Wine Faire.

Rob and Tracy McKean presented wine glasses to the Council and encouraged everyone to attend the Faire.

CONSENT CALENDAR

Mayor Johnson announced that the recommendation to award Contract [paragraph no. 07-343] was removed from the Consent Calendar for discussion.

Councilmember Tam moved approval of the remainder of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*07-341) Minutes of the Special Joint City Council, Alameda Reuse and Redevelopment Authority and Community Improvement Commission Meeting and the Regular City Council Meeting held on July 3, 2007. Approved.

(*07-342) Ratified bills in the amount of \$956,649.00.

(07-343) Recommendation to award Contract in the amount of \$79,955 to Muller & Caulfield Architects for Architectural and

Engineering Services to evaluate alternatives and develop costs for the Carnegie Restoration and Preservation Project.

The Building Official gave a brief presentation.

Councilmember Matarrese stated line item SD19 shows a workshop fee for the design of a permit center; the fee is the same for a workshop to review design of alternative uses; \$6,000 is allocated for revised plans and 3D visual materials for a permit center; \$1,360 is allocated for alternative uses; that he wants to ensure that the building's use is not predisposed; alternative uses should get an equal, if not larger, percentage of study time; a policy decision has not been made for the building's use.

The Building Official stated a meeting is scheduled tomorrow with Muller & Caulfield to discuss the issue if the Contract is awarded; the intent is to have two workshops equally divided between all options.

Vice Mayor Tam inquired whether five workshops would be conducted.

The Building Official responded two public workshops would be conducted; the Contractor used the word "workshop" when addressing meetings with the Council, Historic Advisory Board, and Planning Board.

Councilmember Matarrese moved approval of the staff recommendation with the understanding that there is no predisposed use for the Carnegie Building.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5.

(*07-344) Ordinance No. 2967, "Authorizing the City Manager to Execute All Necessary Agreements and Documents for Termination of the Ground Lease and Execution of a Master Lease that Divides the Leasehold Estate that is the Subject of the Lease into Three Separate Leasehold Estates to Ballena Isle Marina, LP, a California Limited Partnership, of Real Property Held Under Lease By and Between the City of Alameda and Ballena Isle Marina, a Limited Partnership." Finally passed.

REGULAR AGENDA ITEMS

(07-345) Resolution No. 14133, "Appointing Gregory L. Hamm as a Member of the Public Utilities Board." Adopted.

Councilmember Matarrese moved adoption of the resolution.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

(07-346) Public Hearing to consider Certification of a Final Environmental Impact Report and approval of Northern Waterfront General Plan Amendment (GPA 07-0002) and Citywide Childcare Policies: General Plan amendment to designate approximately 110 acres of northern waterfront industrially designated properties to a specified mixed-use designation and adopt certain general plan policies to guide the future development of the area, guide future development citywide, and guide decisions regarding childcare citywide. The Northern Waterfront project area is generally bounded by Sherman Street on the west, Buena Vista Avenue on the south, Grand Street on the east, and the Oakland/Alameda Estuary on the north;

(07-346A) Resolution No.14134, "Certifying the Final Environmental Impact Report for the Northern Waterfront General Plan Amendment (State Clearinghouse #2002102118)." Adopted;

(07-346B) Resolution No. 14135, "Making Findings Regarding Environmental Impacts and Mitigation Measures, Making Findings Concerning Alternatives, Adopting a Mitigation Monitoring and Reporting Program and Adopting a Statement of Overriding Considerations in Accordance With the California Environmental Quality Act for the Northern Waterfront and Child Care Policy General Plan Amendment (State Clearinghouse #2002102118)." Adopted; and

(07-346C) Resolution No. 14136, "Approving General Plan Amendment, GPA07-0002: General Plan Amendments to: (A) Amend the General Plan Land Use Diagram to Change the Designation of Approximately 110 Acres Within the Northern Waterfront to Specified Mixed Use and Medium Density Residential, and (B) Amend Sections and Associated Tables of the General Plan." Adopted.

The Planning Services Manager gave a brief presentation;

addressed comments submitted by former Councilmember Barbara Kerr and Chris Buckley.

Councilmember Gilmore stated that she read former Councilmember Kerr's letter differently [than the Planning Services Manager]; she did not get the impression that former Councilmember Kerr is saying that Work/Live should be prohibited; the concern is that there would be no way to go back and require more parking if an applicant received a Use Permit for Work/Live and decided to change the use to one that needed more parking.

The Planning Services Manager stated former Councilmember Kerr is referring to the former Clamp Swing building; the Use Permit originally came to the Planning Board for seven Work/Live units in the entire building; the Use Permit was approved; one of the Work/Live units was removed and used for a permitted use; the Zoning Ordinance has a Rolling Ten rule regarding parking; parking requirements do not have to be met for a permitted use in a building over ten years old; the Conditional Use Permit process is used to override the Rolling Ten rule.

Councilmember Gilmore stated that part of the Work/Live rationale was to make it easier for property owners to rehabilitate historical buildings rather than tear down the buildings.

The Planning Services Manager stated parking issues can be addressed with the Work/Live Use Permit; Council could consider reserving the right to re-open a Use Permit to address parking if the permitted use changes.

Councilmember Gilmore stated that she likes the idea [of re-opening a Use Permit]; the issue should be brought back for Council discussion.

Mayor Johnson questioned whether the ordinance establishing the Rolling Ten rule should be reviewed; stated parking for permitted uses is not addressed.

The Planning Services Manager responded both ordinances could be reviewed.

Councilmember deHaan stated that the Planning Board had reservations about the four-story height limit; inquired how height limits are represented in the General Plan.

The Planning Services Manager responded the General Plan Amendment addresses the policy in E-T 5; stated the policy requires that building heights be maintained between one and four stories; the Planning Board added the language: "consider taller buildings if at least 30% of the Encinal Terminals site is maintained for publicly accessible open space and/or on-site water features."

Councilmember deHaan inquired whether any buildings [in Alameda] are taller than four stories.

The Planning Services Manager responded the Marina Village Apartments.

Councilmember Gilmore stated the Northern Waterfront Committee was against having one large structure on the site; 30% or more might be open space because of the site's configuration and setbacks.

The Planning Services Manager stated the current policy pushes the plan in the direction of having open space and consolidating the building program into a few buildings or one building with a single footprint; the question is whether the community is interested in more open space or having lower heights, which would result in a site plan with development spread over the site.

Mayor Johnson opened the public portion of the Hearing.

Proponents (In favor of the staff recommendations): Former Councilmember Barbara Kerr, Northside Association [submitted document]; Christopher Buckley, Alameda; Michael Krueger, Alameda; Don Peterson, Alameda; Nick Cabral, Alameda.

Neutral: Eric Scheuermann, Alameda; Richard W. Rutter, Alameda; Stuart Rickard, Northern Waterfront Action Committee.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Mayor Johnson stated the Planning Board's additional language is more specific than needed in a General Plan; suggested removing the Planning Board language; stated the Encinal Terminals site reference has very specific language for a General Plan;

language could be changed to require maintaining building heights between one and four stories unless allowed by the zoning.

Councilmember Gilmore inquired how many feet is four stories, to which the Planning Services Manager responded forty to fifty feet.

Councilmember Matarrese stated the Del Monte building is the defining feature of the Northern Waterfront; the Encinal Terminals area would have substantial open space; a trade-off is not needed because of the Tidelands Trust and Bay Conservation and Development Commission requirements.

Mayor Johnson stated that she was going up and down the Estuary on the Coast Guard Cutter tonight; people are unaware of the inaccessibility of the area; she cannot wait until the waterfront is opened to the public; the General Plan should move forward; adjustments can be made later.

Councilmember Gilmore stated developers should be put on notice as to what the community considers to be a general height limit.

Mayor Johnson inquired whether the matter would be addressed in the zoning ordinance.

The Planning Services Manager responded in the affirmative; stated the policy could be amended to remove the added Planning Board language; the policy should be moved to be placed at the beginning of the policies relating to the entire area, rather than under Encinal Terminals.

Mayor Johnson inquired how high are the Wind River buildings, to which the Planning Services Manager responded four stories.

Mayor Johnson stated the amendment should address height in feet, not stories; four stories is ambiguous.

The Planning Services Manager stated the idea would be to move the policy to the general policy section and to state that heights would be limited to the specific height in feet comparable to the Wind River buildings.

Councilmember Matarrese concurred with Mayor Johnson regarding the need for the amendment to move forward; stated parking and

truck route uses could be addressed in the guiding policy under Land Use; the guiding policy would state that residential development along the truck route is subject to the General Plan Amendment requirement unless the development is a mixed use; the document addresses parking adequacy; the Encinal Terminals and Del Monte sites have parking and landscaping references which should be strengthened; parking should be reviewed for all uses.

The Planning Services Manager stated the Marina Cove Phase 2 project is already zoned for residential; the Tentative Map has expired; the Chipman Warehouse site is the biggest piece of residential land along the truck route.

Councilmember Gilmore inquired what is the length of the truck route.

The Planning Services Manager responded the length is almost the entire length of Marina Cove Phase 1; suggested that language be added to ensure that premiums be placed on buffers for sites along the truck route, such as setbacks and landscaping.

Mayor Johnson stated developers need to be prepared to mitigate to the fullest extent possible when building units on a truck route.

The Planning Services Manager stated mitigation would not be a sound wall.

Mayor Johnson stated that setbacks and buffers might not allow as much development.

Councilmember deHaan stated a park is hidden along the shoreline; the park would be opened up; the handling of the truck route is a concern; parking would become extremely important; positive steps have been taken with Littlejohn Park; the truck route would dissipate if the project moves forward; inquired whether the Planning Services Manager had any comments on information submitted by former Councilmember Kerr.

The Planning Services Manager responded that an additional policy could be added to the beginning of the document that would provide direction for the consideration of zoning amendments to address the parking question; the General Plan should not state one thing and the Zoning Ordinance state something else; the General Plan should make it a high priority

to rethink the parking requirement for both conditional permitted uses and permitted uses so that the rezoning must be accompanied by the valuation.

Mayor Johnson stated that having the policy direction is a good suggestion.

Councilmember deHaan inquired whether the Planning Services Manager had recommended verbiage.

The Planning Services Manager stated language could be added to include that non-residential uses are preferred along the truck route; however, if residential uses are proposed along the truck route, design must minimize impacts with truck routes; a parking policy would be inserted in the guiding section regarding re-examining the parking requirements to ensure there is adequate parking for all sites, both permitted and conditionally permitted uses; the Encinal Terminals height policy would be moved to the guiding policy; the Planning Board's additional language would be removed; the height would be described as a number of feet [not stories] and would be comparable to the Wind River buildings.

Vice Mayor Tam stated that she wants to ensure that there is consistency in the great strides to reduce the number of vehicles through joint or shared parking programs in order to avoid displacing waterfront property and maximizing public access; she hopes that the issue is clear pervasively, not just at the Del Monte site.

Councilmember deHaan inquired whether there are any proposals for industrial use.

The Planning Services Manager responded industrial use proposals are not coming in because of the loss of rail and shipping uses.

Mayor Johnson stated Harbor Bay Business Park has a better opportunity for industrial because the Business Park provides easy access off of Alameda.

Councilmember deHaan stated noticing was a concern for Alameda Landing; staff should be vigilant to ensure that notification is not limited to 300 feet of the existing neighborhoods.

Councilmember Matarrese moved adoption of the resolutions with

three amendments outlined by the Planning Services Manager regarding parking, height limits, and uses along the truck routes, which would be placed in the guiding policy or appropriate sections that apply to the entire Northern Waterfront, not specific projects.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

Councilmember Gilmore requested that Work/Live parking regulations and general parking regulations be brought back to Council for discussion.

The Planning Service Manager stated staff is working on commercial parking requirements with the Development Services Department; the matter is scheduled to come to the Planning Board the first meeting of September and would then come to Council.

Councilmember Gilmore inquired whether the Rolling Ten rule would be addressed.

The Planning Services Manager responded the Rolling Ten analysis would be addressed when the commercial parking recommendations are presented to the Planning Board.

Mayor Johnson stated caution must be taken when addressing policy for the downtown areas; changes do not have to be made everywhere; downtown and other appropriate areas could be excluded.

Councilmember deHaan stated that he hopes that opportunities would be available to discuss shuttle services as larger developments come forward; hopefully, the Transportation Commission would start working on the issue.

(07-347) Public Hearing to consider Resolution No. 14137, "Authorizing the Collection of Delinquent Integrated Waste Management Accounts by Means of the Property Tax Bills." Adopted.

Councilmember Gilmore stated a letter was received from a lady who could not attend the Council meeting due to medical reasons; inquired whether the lady would be exempt.

The Public Works Director responded the City received three letters; stated staff recommends that Council authorize the City Manager to work with the three property owners to reach a compromise.

Councilmember deHaan inquired whether the list [of property liens] changed.

The Public Works Director responded in the affirmative; stated the original list had 65 property owners; the revised list has 32 property owners.

Councilmember deHaan inquired what was the total amount of delinquent charges, to which the Public Works Director responded \$16,849.

Councilmember deHaan stated the list has decreased.

The Public Works Director stated the list has decreased because of the threat of placing a lien on the property.

Councilmember deHaan inquired whether the list includes repeaters, to which the Public Works Director responded the list includes one repeater.

Vice Mayor Tam stated that she received letters and emails regarding the issue; inquired whether staff has a sense of whether Alameda County Industries (ACI) made efforts to resolve payment and service issues prior to the point of placing a tax lien on the property.

The Public Works Director responded staff worked with ACI on said concerns in the past; stated three letters are sent to property owners advising that the City has the option of collecting delinquent bills via property taxes if the bill is not paid.

Vice Mayor Tam inquired whether ACI helps resolve some of the issues before bringing the matter to the City.

The Public Works Director responded that he thinks ACI does a very good job with customer service; stated the customer service logs are very explicit; ACI makes the public aware that the City has a vacancy exemption.

Mayor Johnson stated the numbers [delinquent charges] are declining from four to five years ago.

The Public Works Director stated there were 73 delinquent accounts in 2006 and 52 delinquent accounts in 2006.

Mayor Johnson stated everyone needs to pay their garbage bills; ACI and City staff work to resolve legitimate disputes; the City has to be very careful not to send the message that property owners can complain to ACI and bills will be cut in half.

Councilmember deHaan inquired whether the \$2,275 administrative fee goes to the City.

The Public Works Director responded in the affirmative; stated the fee is meant to cover staff costs.

Councilmember deHaan inquired whether the fee is adequate, to which the Public Works Director responded in the affirmative.

Mayor Johnson inquired what is Craig Anderson's main issue.

The Public Works Director responded Mr. Anderson states that he was receiving service and then ACI stopped collecting garbage.

Mayor Johnson stated sometimes her garbage is not collected; ACI collects the garbage when she calls.

The Public Works Director stated the franchise agreement requires that garbage be collected within twenty-four hours of receiving a call.

Vice Mayor Tam inquired whether staff would be responding to the three letters received.

The Public Works Director responded staff would work with Mr. and Mrs. Otto, Mr. and Mrs. Anderson, and Mr. Baird.

Vice Mayor Tam inquired about Jeffrey Allen.

The Public Works Director responded Mr. Allen is not on the list; stated Mr. Allen requested to be advised of any delinquency ahead of time; the property owner and tenant are notified when a bill is sixty days late.

Councilmember Matarrese stated he does not want the City to get into the landlord business.

Mayor Johnson concurred with Councilmember Matarrese; stated the issue needs to be resolved between the property owner and tenant.

Vice Mayor Tam inquired whether staff responded to Mr. Allen, to which the Public Works Director responded in the affirmative.

Councilmember Matarrese moved adoption of the resolution with the proviso that staff work with the three property owners who submitted letters.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote -5.

(07-348) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Subsection 13-2.2(e) (Modifications, Amendments and Deletions to the California Building Code) of Section 13-2 (Alameda Building Code) of Chapter XIII (Building and Housing) to Incorporate Specific Requirements for the Installation of Fire Extinguishing Systems. Introduced.

The Fire Marshall gave a brief presentation.

Councilmember Gilmore inquired what was the feedback from the community.

The Fire Marshall responded commercial property owners did not attend the community forum meetings; stated attendees included people interested in residential properties, particularly buildings that are three units and larger; feedback was positive.

Mayor Johnson inquired whether business associations were notified.

The Fire Marshall responded that he met with all business associations; stated information was taken back to respective Boards; articles were published in each business association newsletter.

Mayor Johnson inquired whether 25% is a typical threshold.

The Fire Marshall responded that he and the Building Official felt that 25% is a reasonable trigger.

Mayor Johnson inquired what is the threshold for other cities.

The Fire Marshall responded the threshold varies; stated some cities use the assessed value of the property; assessed value is not a consistent way of evaluating a trigger point for retrofitting; the City would be using the International Code Council Building Valuation Data chart which is based on occupancy type, building and construction type, and square footage.

Mayor Johnson inquired whether a property owner could get an appraisal if they disagree with the assessed value.

The Fire Marshall responded the property owner could go through the appeal process and present an appraisal.

Mayor Johnson stated that she likes the idea of using the current value rather than the assessed value.

Councilmember Gilmore requested an explanation on how valuation is based on occupancy.

The Building Official stated the evaluation method is used for permits to determine the value of a project; the International Code Council has a chart that looks at the cost of doing different types of construction nationwide; numbers are realistic.

Councilmember Gilmore inquired whether restaurants are compared to restaurants and plain retail space with plain retail space, to which the Building Official responded in the affirmative.

Mayor Johnson inquired whether 25% is a typical threshold based on current value, to which the Fire Marshall responded the threshold varies.

Mayor Johnson inquired whether other cities have a similar ordinance, to which the Fire Marshall responded in the affirmative.

Mayor Johnson requested examples of the thresholds.

The Fire Marshall stated that he did not have said information.

Mayor Johnson stated she wants to know whether Alameda would be significantly different from other cities.

Councilmember deHaan inquired what was the permit activity in the past year where the 25% threshold was reached and sprinklers were not required.

The Building Officials responded that he did not know; stated 25% of the current value is pretty high.

Councilmember deHaan inquired what percentage of commercial buildings have sprinklers.

The Fire Marshall responded since 1983 every commercial building larger than 5,000 square feet has a fire sprinkler.

Councilmember deHaan inquired whether 50% of commercial stock does not have sprinklers, to which the Fire Marshall responded 50% is a good estimate.

Mayor Johnson stated sprinklers are important; damage was minimized at one of the fires over the weekend [Fleet Industrial Supply Center (FISC)] because of the sprinkler system.

The Fire Marshall stated the FISC property would have been completely lost if not for the sprinkler system.

Mayor Johnson stated people should not be discouraged to make minor improvements because of a large sprinkler system expense; 25% of the current value avoids the problem; the changes are good; the ordinance should move forward.

Former Councilmember Barbara Kerr, Alameda, urged introduction of the ordinance.

David Kirwin, Alameda, stated he supports the ordinance with the exception of Group U buildings.

Mayor Johnson inquired how detached buildings on residential lots would be handled.

The Fire Marshall responded Group U Occupancy types typically have a lot of equipment and storage inside; a fire could affect

adjacent buildings if the building is larger than 300 square feet; an appeal process is available to property owners to request the requirement be waived.

Mayor Johnson stated it would not be expensive to install a sprinkler system in a garage.

Councilmember deHaan stated sprinkler systems need a bigger water head.

The Fire Marshall stated a ¾" service would serve a Group U Occupancy; Bayport homes are 3,500 to 4,000 square feet; a one-inch service is sufficient.

Vice Mayor Tam moved introduction of the ordinance.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

(07-349) David Kirwin, Alameda, stated that he is disappointed that trees have been cut at Godfrey Park; the vast, open field offers no shade or wind protection; staff was unable to furnish him with Park plans; he does not understand why dirt is being brought in if plans are to re-grade and re-sod.

Mayor Johnson requested that staff provide Mr. Kirwin with a copy of the plans.

(07-350) Pat Bail, Alameda, stated that the Estuary Park grass is dying; the Coast Guard gave the Park back to the Navy; the Navy told the Coast Guard to turn the water off; the Recreation and Park Director wrote a letter to the liaison between the Navy and the City; suggested that the Fire Department hook up to one of the fire hydrants and water the grass; stated more park space is needed; urged Council to address the issue; further stated the Measure A Ad Hoc Committee was unable to reach a consensus on the forum; Council direction was clear; Woody Miner was to provide a history of Measure A; educational speakers were to address how Measure A affects housing and transportation in Alameda; the forum would provide an opportunity for public input; negotiations broke down on July 13; Appellants requested to select speakers and follow the format that was agreed to on June 7; the Planning Board members indicated the agreement could

not be honored; the Planning Board members tried to take away the powers of the Council to set policy; the Planning Board's job is to apply policy, not make policy; the Appellants seek guidance from Council on how to proceed to create a forum that is educational and meaningful to all of Alameda.

Mayor Johnson requested that Council be provided an update on the matter.

Councilmember Matarrese stated that staff should review the motion passed by Council; the motion was to uphold the Planning Board decision to have an ad hoc committee provide the Planning Board with a meeting format with conditions that included the Housing Element and transportation; he does not recall a limitation to one forum; he recalls a consensus that Woody Miner would be an appropriate person to give a history of Measure A; requested verification of Council direction.

Mayor Johnson stated that the Appellants felt different points of view would not be represented; a meaningful forum cannot exclude viewpoints.

Councilmember deHaan stated the Housing Element is an important segment; subsequently, transportation issues were discussed; Council needs to understand what direction was given.

Councilmember Gilmore concurred with Councilmember Matarrese regarding verifying Council direction.

Councilmember deHaan stated Council wanted to have a well-balanced meeting with more history and background; hopefully, the issue is not a stalemate at this time.

Vice Mayor Tam stated that she is looking forward to the reports from the facilitator and the Planning and Building Director; she reviewed the video tapes of the Ad Hoc Committee meetings; she is optimistic that there is more common ground than differences.

(07-351) Robert Todd, Alameda, stated that he attended the Ad Hoc Committee meetings and discussed his opinion of said meetings.

(07-352) Bill Smith, Alameda, discussed property and transit.

(07-353) Former Councilmember Barbara Kerr, Alameda, submitted

handout; discussed the Ad Hoc forum.

COUNCIL COMMUNICATIONS

(07-354) Written communication from the League of California Cities requesting designation of Voting Delegate for the League's 2007 Annual Conference.

Councilmember Matarrese moved approval of Councilmember Tam being the City's delegate and Councilmember deHaan being the alternate.

Councilmember Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(07-355) Mayor Johnson stated that everyone is concerned with the Estuary Park issue; different visions have been discussed for the property; discussion needs to be elevated; the turf should be kept alive while the issue is being resolved with the Navy; the City's goal is to have the property conveyed to the City and retained as a park; the Navy wants to sell the property; circumstances are different than two years ago.

Councilmember deHaan requested that staff assess the field.

Mayor Johnson stated watering solutions need to be considered.

(07-356) Councilmember deHaan stated there has been discussion about the moth ball fleet; Alameda is not the place to scrape off barnacles and lead contaminated paint; no one thought that dismantling Navy ships was a good idea for generating jobs in 1995; one carrier was brought to Mare Island and became an environmental nightmare; barnacle scraping is not apropos [in Alameda].

The City Manager stated the Development Services Director sent a letter to the Maritime Administration (MARAD); she will forward said letter to Council.

Councilmember deHaan stated there is an active dry dock on Mare Island; Bay Ship and Yacht has completed a dry dock for a controlled environment for said activity.

Mayor Johnson stated Hunter's Point must have an active shipyard.

(07- 357) Vice Mayor Tam requested that the Council meeting be adjourned in a moment of silence in memory of Archie Waterbury and Tom Matthews.

(07-358) Councilmember Matarrese requested reviewing the potential for a big box ordinance; stated other communities have ordinances which govern square footage and the amount of non-taxable items that can be sold in the super stores; the term "big box" is used, but not defined, in the Northern Waterfront General Plan Amendment and Economic Development Strategic Plan; the term should be defined before project proposals are discussed; the City of Livermore and other cities are reviewing the issue.

(07- 359) Councilmember Matarrese requested development of a written policy that would make closed session material available after a discussed items are resolved or moot.

(07-360) Councilmember deHaan stated that Council voted to review the impact that big boxes would have on existing retail; funding has not been available [for the study]; companies should be respective of wages and health benefits when a threshold of 100 employees is hit; he would like to have said matter included in the big box discussions.

Mayor Johnson stated that several cities are going through the process of adopting a big box ordinance; the City has never defined big box; a study of impacts does not need to be completed first; the ordinance should be brought forward soon; suggested moving forward in reviewing ordinances in other communities.

Councilmember deHaan stated many cities have already defined big box; the threshold is approximately 50,000 square feet; Truckee has defined big box accordingly [50,000 square feet].

Councilmember Matarrese stated the City of Livermore defines big box as 90,000 square feet.

Mayor Johnson stated the matter would be brought back to Council for discussion.

ADJOURNMENT

(07-361) There being no further business, Mayor Johnson adjourned the Regular Meeting at 10:59 p.m. in a moment of silence in honor of Archie Waterbury and Tom Matthews.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JULY 17, 2007- -6:30 p.m.

Vice Mayor Tam convened the Special Meeting at 6:45 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore,
Matarrese, and Tam - 4.

Absent: Mayor Johnson - 1.

The Special Meeting was adjourned to Closed Session to consider:

(07-338) Workers' Compensation Claim (54956.95); Claimant Jerry Manis; Agency Claimed Against: City of Alameda.

(07-339) Conference with Labor Negotiators; Agency Negotiators: Craig Jory and Human Resources Director; Employee Organizations: All City Bargaining Units.

Following the Closed Session, the Special Meeting was reconvened and Vice Mayor Tam announced that regarding Workers' Compensation Claim, Council received a briefing regarding the status of a Workers' Compensation claim and provided direction regarding settlement; regarding Labor, Council received a briefing on the status of labor negotiations with various City bargaining units.

Adjournment

There being no further business, Vice Mayor Tam adjourned the Special Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY- -JULY 17, 2007- -7:25 P.M.

Chair Johnson convened the Special Meeting at 7:43 p.m. Commissioner Matarrese led the Pledge of Allegiance.

ROLL CALL - Present: Commissioners deHaan, Gilmore, Matarrese, Tam, and Mayor Johnson - 5.

Absent: None.

SPECIAL ORDERS OF THE DAY

(07-026) Update on the Alameda Theater, Cineplex, and Parking Structure Project.

The Redevelopment Manager gave a brief presentation on the theater, a Power Point presentation illustrating restoration work, and a brief presentation on the garage.

Commissioner Matarrese inquired whether trees could be planted instead of banners along the northern elevation of the parking structure.

The Redevelopment Manager responded the property line is an issue; stated the property line is close to the garage; the architect does not think there would be enough room to plant trees.

Commissioner Matarrese inquired whether staff talked to Long's.

The Redevelopment Manager responded easement discussions have been lengthy; stated the construction easement is a concern because trucks drive up to the storage warehouse.

Commissioner Matarrese stated the City is providing a huge benefit to Long's; that he would like to see staff push for a live solution such as bamboo or Italian Cypress; requested more detail on said option.

The Redevelopment Manager stated vines may be a more feasible landscape option; other options would be reviewed.

Commissioner deHaan stated that other options should be reviewed because of the cost and life expectancy of banners; the

Historical Theater tenant improvements should start in early November.

The Redevelopment Management stated tenant improvements include screens, seats, audio-visual and projection equipment, concession casework, ticket booth equipment, automatic ticket machines, and signage.

Commissioner deHaan stated said improvements should be completed by January; inquired whether the Cineplex schedule could be accelerated.

The Redevelopment Manager responded the City does not have control over the Contract; stated work is on schedule; staff is confident that all work will be completed by March 2008.

Commissioner deHaan inquired whether the Operation and Management Plan is clear.

The Redevelopment Manager responded a detailed budget would be presented on August 7; stated staff feels that the budget is realistic; staff will have a better understanding of costs once proposals are received.

Commissioner deHaan inquired whether staff is solidified on the fee structure.

The Redevelopment Manager responded in the affirmative; stated a fifty-cent per-hour rate is recommended, which is the same as street parking.

Commissioner deHaan inquired whether the contractor would be responsible for fee collection and hours of operation.

The Redevelopment Manager responded the contractor would be responsible for revenue collection; stated staff recommends that the Police Department be responsible for enforcement.

Commissioner deHaan stated that he hopes that the Park Street Business Association (PSBA) would provide support to keep the area clean.

The Redevelopment Manager stated the parking management company should perform daily trash pick up.

Christopher Buckley, Alameda, submitted handout; stated the proposed banners should be larger to cover the three center bays; a trompe d'oil treatment or grilled panels are options.

Chair Johnson inquired whether the recommended options could be done after the completion of the parking structure, to which Mr. Buckley responded in the affirmative.

Richard W. Rutter, Alameda, stated evergreens are a good decoration studio; that he does not think money should be spent on banners; banners draw attention to the façade; an architectural grilled screen system might be a possibility.

Robb Ratto, PSBA, stated the PSBA Board of Directors urges the Commission to take a low cost option.

Chair Johnson stated the Cineplex developer should not be rushed; the City waited more than twenty-six years for the Historical Theater restoration; staff should inform the Commission if other [restoration] items need to be addressed while there is the opportunity; options need to be weighed; inquired whether damaged niches are being replaced.

The Redevelopment Manager responded in the affirmative; stated the niches have been re-varnished.

Chair Johnson stated that she does not want items overlooked.

The Redevelopment Manager stated a list of items and cost estimates would be provided.

Chair Johnson stated the project team is doing a great job.

Commissioner Matarrese inquired whether staff would ensure that the viewable improvements, such as countertops and cabinetry, are the same quality and are appropriate for the restored interior, to which the Redevelopment Manager responded in the affirmative.

MINUTES

(07-027) Minutes of the Special Joint City Council, Alameda Reuse and Redevelopment Authority and Community Improvement Commission (CIC) meeting and the Special CIC meeting held on July 3, 2007. Approved.

Commissioner deHaan moved approval of the minutes.

Commissioner Gilmore seconded the motion, which carried by unanimous voice vote - 5.

AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, Chair Johnson adjourned the Special Meeting at 8:23 p.m.

Respectfully submitted,

Lara Weisiger
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown Act.